

## **Remarks**

### **Introduction**

Earlier today, Applicant filed a response which was not signed. On realizing the error, Applicant has signed the response and is resubmitting the response. In all other respects, the response is identical to that filed earlier today. Applicant apologizes for the mistake.

Claims 213-228 were pending and rejected with the rejection made final. Applicants herein cancel claims 213-228 and add new claims 229-247 along with a Request for Continued Examination.

Applicant hereby respectfully requests reexamination and reconsideration of the pending claims in light of the amendments and remarks provided herein and in accordance with 37 C.F.R. §1.112.

### **The Office Action's Rejections**

#### **112**

**Claims 221-228** were rejected under 35 U.S.C. § 112, first paragraph. This rejection is moot in light of the cancellation of the claims.

**Claims 213-228** were rejected under 35 U.S.C. § 112, second paragraph. This rejection is moot in light of the cancellation of the claims.

#### **103**

**Claims 213-220** were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,192,340 to Abecassis in view of U.S. Patent No. 5,615,227 to Schumacher Jr. et al. (hereinafter "Schumacher"). This rejection is moot in light of the cancellation of the claims.

**Claims 221-228** were rejected under 35 U.S.C. § 103 as being unpatentable over Abecassis. This rejection is moot in light of the cancellation of the claims.

### **New Claims**

The new claims focus on the broadcaster and specifically, the broadcaster sending to an information provider a broadcast schedule information comprising data relating to a future broadcast by the first broadcaster party; receiving from the information provider supplemental information associated with the data relating to the future broadcast; and then broadcasting the

content according to the broadcast schedule in conjunction with the supplemental data to the end user.

As previously explained Abecassis discloses integration of radio-on-demand, with real-time information, such as stock market reports based on user preference. Nothing in the cited portions of Abecassis or Schumacher teaches providing the schedule information to the information provider. Furthermore, and as further argued before, the supplemental data is received by the end user, not sent from the listener to the broadcaster as occurs in Abecassis or Schumacher.

For these reasons, the new claims are non-obvious over the references of record. Applicants earnestly solicit claim allowance at the Examiner's earliest convenience.

### **Conclusion**

At least for the foregoing reasons, it is submitted that all claims are now in condition for allowance, or in better form for appeal, and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remain any questions regarding the present application or the cited reference, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Taylor M. Davenport at telephone number 203-832-2389 or via electronic mail at tdavenport@dloip.com, at the Examiner's convenience.

Respectfully submitted,

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Date

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